IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 17775 of 2006

DATED: 28-8-2006

Between:

B.Lakshmaiah petitioner

And

The Singareni Collieries Co Ltd,
Rep by its General Manager,
RG0IV Area, Godavarikhani,
Karimnagar dist and others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 17775 of 2006

ORAL ORDER:

The present writ petition is filed questioning the proceedings dated 5.4.2006 of the first respondent in not promoting the petitioner to the post of E.P. Operator w.e.f. 1.3.2006.

The petitioner claims that he is working in the respondent company in category-B scale of pay and eligible for promotion to the post of E.P. Operator-Exc.Category-A. The petitioner herein along with others appeared for interview and vide proceedings dated 17.12.2004 the petitioner was instructed to undergo training on A-category equipment. The petitioner claims that he has undergone the training and declared eligible for promotion to the post of E.P. Operator. Thereafter, in terms of proceedings dated 19.2.2006 the petitioner attended the final test. The petitioner claims that he fared well in the test and ignoring his candidature his juniors were promoted vide office order dated 5.4.2006. Thereafter the petitioner submitted a representation dated 7-5-2006 requesting the authorities to promote him to the post of E.P. Operator Exc.Category-A on par with his juniors. Since no action was taken on the said representation, the present writ petition is filed.

Learned counsel for petitioner submitted that the petitioner is senior most candidate and eligible for promotion to the post of E.P. Operator Exc.Category-A and also undergone training for 100 hours and ignoring his claim, juniors were promoted by proceedings dated 5.4.2006. It is further stated that the petitioner has submitted a

representation dated 7.5.2006 indicating the lapses committed in the promotion process and requesting to promote him to the post of E.P.Operator
Exc.Category-A, but no action is taken. Hence, sought for interference of this Court.

Learned Standing Counsel for respondent company submitted that the criteria for promotion to the post of E.P.Operator Exc.Category-A is seniority cum merit and the committee on consideration of the matter has selected 31 candidates and recommended for promotion and the petitioner herein has not come up to the level of consideration. It is admitted that no orders were passed on the representation submitted by the petitioner dated 7.5.2006.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent company.

It is the case of the respondent company that the petitioner has not come up to the level of consideration and the selection committee recommended candidates for promotion on the basis of seniority cum merit. It is well settled that this Court cannot substitute its opinion with the one taken by the expert committee constituted for the purpose. However, since the representation of the petitioner dated 7.5.2006 is pending, I deem it appropriate to dispose of the writ petition with the following direction;

The first respondent/General Manager is directed to consider the representation of the petitioner dated 7.5.2006 and pass appropriate speaking orders in accordance with law expeditiously.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 28.8.2006
TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

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